

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On April 8, 1932, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

HENRY A. WALLACE, *Secretary of Agriculture.*

19711. Adulteration of shredded figs. U. S. v. 1,054 Boxes and 588 Boxes of Shredded Figs. Consent decrees of condemnation and destruction entered. (F. & D. Nos. 27631, 27632. I. S. Nos. 37228, 37229. S. Nos. 5667, 5671.)

Samples of figs from the shipments herein described having been found to be insect-infested and moldy, the Secretary of Agriculture reported the matter to the United States attorney for the Northern District of Texas.

On January 6, 1932, the United States attorney filed in the District Court of the United States for the district aforesaid a libel praying seizure and condemnation of 1,642 boxes of shredded figs at Dallas, Tex., alleging that the article had been shipped by the California Packing Corporation, from Fresno, Calif., in part on or about August 23, 1931, and in part on or about October 24, 1931, and had been transported from the State of California into the State of Texas, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in part of a filthy, decomposed, and putrid vegetable substance, viz, figs that were dirty, moldy, and infested with insects.

On January 27, 1932, the California Packing Corporation, Fresno, Calif., and the consignee in whose possession the goods were seized, having consented to the destruction of a portion of the product, judgment of condemnation was entered and it was ordered by the court that the said portion be destroyed by the United States marshal. On February 18, 1932, the intervenors having represented to the court that the remaining figs constituted a nuisance and having prayed that they be destroyed, judgment was entered ordering their condemnation and immediate destruction.

HENRY A. WALLACE, *Secretary of Agriculture.*

19712. Adulteration and misbranding of olive oil. U. S. v. Anthony Maggiore (Oriental Products Co.). Plea of guilty. Fine, \$200 and costs. (F. & D. No. 26683. I. S. Nos. 17266, 17267, 17268.)

This action was based on interstate shipments of quantities of a product invoiced as Roma oil, billed and labeled on the case "Olive Oil," and bearing on the can labels statements in the Italian language and a picture of the Colosseum at Rome. Examination showed that the article consisted largely of cottonseed oil with little, if any, olive oil present. The article was in quart, half-gallon, and gallon containers, samples of each of which sizes were found short of the declared volume.

On November 10, 1931, the United States attorney for the Northern District of Ohio, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid, an information against Anthony Maggiore, trading as Oriental Products Co., Canton, Ohio, alleging shipment by said defendant in violation of the food and drugs act as amended, from the State of Ohio into the State of Michigan, in part on or about December 15, 1930, and in part on or about February 4, 1931, of quantities of alleged olive oil that was adulterated and misbranded. The article was billed as olive oil and was labeled: (Case) "Roma Olive Oil Packed by Oriental Products Co., New York;" (can) "Olio Sopraffino Per Uso Tavola E Medicinale Roma [design of Colosseum at Rome] Il Famoco Antico Anfiteatro D'Italia Net Contents One Quart [or "Half Gallon" or "Gallon"] Questo Olio Roma E Impaccato Dalla Stessa Ditta Che Impacca L'Olio Puro D'Oliiva Marca Iberio, E Che Importa Il Famoso Olio D'Oliiva Porto Maurizio Italia."

It was alleged in the information that the article was adulterated in that a substance, cottonseed oil, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength and had been substituted in part for olive oil, which the article purported to be. Adulteration was alleged for the further reason that the article was sold under a name recognized in the United States Pharmacopœia, and differed from the standard of strength, quality, and purity as determined by the test laid down in the said

pharmacopœia official at the time of investigation, since it was sold as olive oil and was composed in large part of cottonseed oil; and its own standard of strength, quality, and purity was not plainly stated on the cases and cans containing the article.

Misbranding was alleged for the reason that the statement "Olive Oil," borne on the cases, and the statements in Italian translated into English, "Extra fine oil for table and medicinal use—Roma * * * This Roma is packed by the same firm that packs Iberia, and which imports the famous olive oil from Porto Maurizia, Italy," together with the pictorial design of the Colosseum at Rome, and the statements in English, "Net Contents One Quart," "Net Contents Half-Gallon," and "Net Contents One Gallon," borne on the can labels, were false and misleading; and for the further reason that the article was labeled as aforesaid so as to deceive and mislead the purchaser, since the said statements and design represented that the article was olive oil, that it was an imported foreign product and that the cans contained 1 quart, one-half gallon, or 1 gallon of the said article, whereas it was not olive oil, it was not an imported foreign product, and each of a number of the cans from each size contained less than labeled. Misbranding was alleged for the further reason that the article was an imitation of another article, to wit, olive oil, and in that it was offered for sale under the distinctive name of another article, to wit, olive oil. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the packages, since each of a number of the cans of each size contained less than labeled.

On April 23, 1932, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$200 and costs.

HENRY A. WALLACE, *Secretary of Agriculture.*

19713. Adulteration of dried figs and dried peaches. U. S. v. Glanzer Bros., a Corporation. Plea of guilty. Fine, \$60. (F. & D. No. 26657. I. S. Nos. 9633, 11612, 11613.)

This action involved the interstate shipment of quantities of dried figs and dried peaches, samples of which were found to be insect-infested, decayed, dirty, moldy, or sour.

On April 4, 1932, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Glanzer Bros., a corporation, San Francisco, Calif., alleging shipment by said company, in violation of the food and drugs act, on or about November 1, 1930, from the State of California into the State of New York, of quantities of dried figs and dried peaches that were adulterated. The articles were labeled in part: "Fancy Mission Black Figs G. B. N. Y.;" "Ex. Fancy Calimyrna G. B. N. Y.;" "Staghound Extra Fancy Muir Peaches."

It was alleged in the information that the articles were adulterated in that they consisted in part of filthy and decomposed vegetable substances.

On April 13, 1932, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$60.

HENRY A. WALLACE, *Secretary of Agriculture.*

19714. Misbranding of butter. U. S. v. Swift & Co., a Corporation. Plea of nolo contendere. Fine, \$100 and costs. (F. & D. No. 26530. I. S. No. 6308.)

This action involved the interstate shipment of a quantity of butter, sample packages of which were found upon examination to contain less than 1 pound, the declared weight.

On October 14, 1931, the United States attorney for the Northern District of Mississippi, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for the district aforesaid an information against Swift & Co., a corporation, trading at West Point, Miss., alleging shipment by said company, in violation of the food and drugs act as amended, on or about July 8, 1930, from the State of Mississippi into the State of Louisiana, of a quantity of butter that was misbranded. The article was labeled in part: "Swift's Premium Quality Brookfield Pasteurized Creamery Butter * * * 1 Lb. Net Weight Distributed by Swift & Company U. S. A."

It was alleged in the information that the article was misbranded in that the statement "1 Lb. Net Weight" was false and misleading, and for the further reason that the article was labeled so as to deceive and mislead the purchaser,